

1 JOSEPH W. FLETCHER (SBN 96813)
2 CITY ATTORNEY
3 LAURA A. ROSSINI (SBN 223471)
4 ASSISTANT CITY ATTORNEY
5 CITY OF SANTA ANA
6 20 CIVIC CENTER PLAZA, M-29
P.O. BOX 1988
SANTA ANA, CALIFORNIA 92702
TELEPHONE: (714) 647-5201
FACSIMILE: (714) 647-6515
EMAIL: lrossini@santa-ana.org

7 Attorneys for Defendants, CITY OF SANTA ANA, *erroneously also sued*
8 as the SANTA ANA POLICE DEPARTMENT, CHIEF PAUL M. WALTERS,
9 OFFICER BEATLEY *erroneously sued as* OFFICER BEATLY, AND OFFICER
VARGAS

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 EDWARD COTE,
15 Plaintiff,
16 vs.
17
18 CITY OF SANTA ANA, by and through
19 the SANTA ANA POLICE
20 DEPARTMENT, CHIEF PAUL M.
21 WALTERS, OFFICER #1950
22 BOLLINGER, OFFICER #3176
23 BEATLY, OFFICER #2878 VARGAS,
24 WESTERN MEDICAL CENTER OF
25 ANAHEIM, RAVINDER SINGH, M.D.;
and DOES 1 through 10, in their individual
and official capacities.
26 Defendants.

} Case No: CV10-2959 DDP (JCGx)
}
**STIPULATED PROTECTIVE
ORDER AND ORDER**
}
NOTE CHANGES MADE BY THE COURT.

28 WHEREAS, the parties have met and conferred and wish to avoid a
protracted discovery dispute concerning confidential recorded information. The

1 parties have now agreed to the following protective order pertaining to certain Santa
2 Ana Police Department confidential Internal Affairs recorded information consisting
3 of three recorded interviews. These documents will be produced once the protective
4 order is executed and are contained on one CD bate stamped SA0051.

5 **IT IS HEREBY STIPULATED** by and through undersigned counsel that:

6 1. Counsel for the parties and retained consultants and/or experts shall
7 have sole custody and control over the CD of the confidential recorded information
8 bate stamped SA0051 and produced by the City of Santa Ana.

9 2. These recorded information is deemed confidential, except to the extent
10 set forth within the Order and shall be used solely in connection with this litigation
11 and the preparation and trial of this case, or any related appellate proceedings, and
12 not for any other purpose, including any other litigation, and may not be disclosed or
13 disseminated to other persons, including any other counsel other than as set forth in
14 paragraph 5 herein.

15 3. Counsel for the parties alone will have custody, control and access to
16 the CD and the recorded information contained therein, and will be prohibited from
17 releasing or disseminating it, or the information contained therein to other persons
18 including legal counsel other than as set forth in paragraph 5 herein.

19 4. Counsel for the parties may make copies of the CD and/or prepare
20 transcript of the information contained therein, but counsel will be prohibited from
21 releasing or disseminating such copies or the information contained therein other
22 than as set forth in paragraph 5 herein.

23 5. The CD and the recorded information contained therein may be
24 disclosed only in the preparation of this action, subject to this stipulation and only to
25 the persons identified in sections a through e listed below. Disclosure of the CD and
26 the recorded information for purposes of trial or any appellate proceeding shall be
27 taken up with the judicial officer(s) conducting that proceeding at the appropriate
28 time. If dissemination under this section occurs, the disclosure shall be

1 accompanied with a copy of this Protective Order and written instructions from
2 counsel directing compliance with same:

3 a. Counsel and law office personnel for any party to this action
4 including outside counsel assisting in the litigation of the matter;

5 b. Court personnel including stenographic reporters engaged in
6 such proceedings as are necessarily incident to preparation for trial in this action;

7 c. Any outside expert or consultant specifically retained and
8 used in connection with this action;

9 d. Any "in-house" experts designated by the parties to testify at
10 trial in this matter:

11 e. Any party to this action, however, counsel will maintain custody
12 of the CD produced by the City of Santa Ana and no such copy will be turned over
13 to the possession of the individual parties.

14 6. Nothing in this Protective Order is intended to prevent officials or
15 employees of the City of Santa Ana or other authorized government officials from
16 having access to the documents as they would have had access in the normal course
17 of their job duties.

18 7. At the conclusion of the trial of any appeal, or upon other
19 termination of this litigation, the CD produced by the City of Santa Ana and bate
20 stamped as SA0051 (including any copies made or transcripts of the recorded
21 information) shall be tendered back to the City of Santa Ana through its counsel.

22 8. Provisions of this Order shall be in effect until further order of the
23 Court or stipulation by counsel.

24 The within Stipulation may be signed in counterparts and by facsimile.

25 **IT IS SO STIPULATED:**

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
LAW OFFICES OF MICHAEL HEMMING
& ASSOCIATES

Dated: September 9, 2010

By: _____/s/

Michael G. Hemming, Esq.
Attorney for Plaintiff
Edward Cote

McCUNE & HARBOR

Dated: September 14, 2010

By: _____/s/

Christy L. O'Donnell, Esq.
Attorney for Defendant
Officer P. Bollinger

JOSEPH W. FLETCHER
City Attorney
City of Santa Ana

Dated: September 20, 2010

By: _____/s/

Laura A. Rossini
Assistant City Attorney
Attorney for Defendants
City of Santa Ana, Chief Paul M.
Walters, Officer Beatley and
Officer Vargas

IT IS SO ORDERED.

Dated: October 25, 2010

JUDGE OF THE UNITED STATES DISTRICT COURT